

This order is not approved by counsel for EMC Mortgage Corporation.



THE RELIEF SOUGHT IN THIS ORDER IS DENIED.

SIGNED this 02 day of March, 2010.

**THIS ORDER HAS BEEN ENTERED ON THE DOCKET.
PLEASE SEE DOCKET FOR ENTRY DATE.**

Richard Stair Jr.
UNITED STATES BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

In re: Carey Lee Newberry

Debtor.

No. 04-33477
Chapter 13

ORDER

Upon consideration of the Motion for Order Declaring Mortgage Loan Current as to EMC Mortgage Corporation filed by the Debtor asking the Court to enter an order declaring that his mortgage loan serviced by EMC Mortgage Corporation is current as of the date upon which the Discharge of Debtor After Completion of Chapter 13 Plan Order was entered, and after notice and a hearing held on December 23, 2009, and there being no opposition to the Motion, the Court finds that:

1. The Debtor has made all post-petition maintenance payments to EMC Mortgage Corporation required under the Order Confirming Chapter 13 Plan.
2. The Debtor has paid in full the pre-petition arrearage claim filed by LaSalle Bank

National Association as Trustee for Received Certificate Holders of Bear Stearns Asset Backed

Acurities Trust 2003-ABF1, Mortgage Loan Pass-through Certificates, Series 2003ABF1, c/o
EMC Mortgage Corporation in accordance with the Confirmed Chapter 13 Plan.

IT IS, THEREFORE, ORDERED that the Debtor's mortgage obligation to EMC Mortgage Corporation and the successor to LaSalle Bank National Association is deemed current through the month of July 2009 and is reinstated to its original terms. The rights of EMC Mortgage Corporation and the successor to LaSalle Bank National Association to recover any amount alleged by EMC Mortgage Corporation and the successor to LaSalle Bank National Association to have arisen prior to the filing of the Debtor's bankruptcy petition or post-petition over the life of the Debtor's Confirmed Chapter 13 Plan, including the imposition of late charges and/or default-related fees and services based solely upon the Debtor's pre-petition or post-petition default are extinguished.

APPROVED FOR ENTRY BY:

/s/ Ann Mostoller
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/s/Gwendolyn M. Kerney by jl w/ permission
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